App F IX-4

Previous References

1945 (MLC) MLC File No 117 – 45
Serial Nos 2210

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos

Part B for Jan 46

SUBJECT

Re: Action to be taken against the Editor "Rationalist" in View of the tone and insinuations Contained in a Letter "Subbering Citizens" Printed in the Rationalist Weekly

L – 7299

24th Jan 46

States that ~~he~~ it is a Matter relating to MLC administration and such action as is deemed fit may be taken by the MLC BC

To

The Pst. City MLC BC
Mysore

1/3

2842/L

General and Revenue Secretariat | File No | of 194 | [App F. III-2

Serial No

Confidential

From the President, City Municipal Council
M.S. No 912/44-45 dt 18-10-45 (Typed)

Forwards for orders of Government a copy the resolution dated 26-9-45 of the City Municipal Council in regard to the action to be taken against the Editor "Rajamandala", in regard, of the [illegible] insinuations contained in a letter "Suffering citizens" from [illegible] "Rajamandala" weekly

1) The Mysore City Municipal Council have taken exception to the [illegible] insinuations contained in the article and they have requested the President to take proper action against the Editor

2) The Municipal Advocate has suggested that action may be taken either under the I P C or the Press Act provided the Municipality would undertake the burden of proof

3) It is for consideration if a reference may be called for on the several allegations contained in the letter before referring the question for the opinion of the Law Section for orders

4) What is the article complained of? What are the replies of the Municipal Council to the allegations made therein

3/IV

NOTE—Contn Sheet

Serial No

5) The article flagged A is for personal. It is certainly bad in time of war the suppression of which must be condemned & disregarded. But on all these matters, the Govt should take legal advice and launch upon such action as it deems best. There is no reason why the Govt should advise the Govt in this case, thus making the Govt practically a party to it. It does not seem advisable to tender advice to the Govt in this case. The President will be asked to take such action as he deems fit in the circumstances of the case.

6) The article was written on 16 4 1945. It was censored in May 1945 by the Govt and the permission has been submitted to Govt belatedly in October 1945. — after a period of five months. This shows that the President is not very serious about taking action against the papers.

7) A — is for personal reading for

8) Please Consult P O & 4 12 45 the Law Secy. Shd Govt not take action in such cases?

9) P O yes [illegible]

3574/5/12

A

General and Revenue Secretariat | 608 Law | File No 2842/2 | of 1945 | P 5721 | [App F III-2

Serial No	
10	The article entitled "Suffering Citizens" published in the "Rationalist" dated the 16th April 1945 was duly noticed and included in the Newspaper Abstract for 1945. A Cutting of the article was also Subd Separately for the Law Secy's perusal and may be available in the Law Section or the Ex S Gr Branch.
11	7/12/45 Asst Secy (Law) 7/12/45
12	Asst Secy (Law) Ex Stipend
13	The Article referred to above is not available in the Law Sec- tion. It may perhaps be referred to the Publication Branch which deals with 'Objectionable articles in Newspapers'
14	18/12/45 Asst Secy, Pub Br 19/12
15	The C.B. may see Correspondence The papers on the subject were not dealt with in the Pubns Branch. 10/12 To the Publicity Officer 10/12 This may be returned to the Ex S Gr Branch for further action, if approved
16	11/12/45 The original cutting entitled "Suffering Citizens" of the "Rationalist" is put up

NOTE—Contn Sheet

Publication of an article entitled "Suffering Citizens"

File No 2842/L in the Rajamahal of 194

General and Revenue Secretariat

Serial No 718

Law

for favour of kind perusal

17) In para (8) supra it is ordered that the P O and the Law Sec may be consulted

18) A cutting was separately submitted to the Law Secy and the news item was also included in the News Abstract dt 16-4-45, as noted in para (10) above

19) For kind orders whether the matter may be referred to the Law Sec again for such action as is deemed necessary

Thr 13/12/45

20) The file is returned for necessary further action so far as the Publicity Office is concerned, action has already been taken, as explained in para 10, leaving the action portion with Secn of the Govt

13-12-45

13/12/45

21) The Law Section will be requested to furnish opinion on the proposal made by the President Mysore City Municipal Council in regard to proper action being taken against the Editor of the "Rajamahal"

22 For favour of opinion (vide para 8 the note supra)

14/12/45

17/12

or

23/a separate note to 'x' submitted

MRA 18.12.45

Serial No

24) The article severely criticises the municipal administration & some of its officers. It is in a rather intemperate language but there is nothing which could justify action being taken under the Press Act. It is also difficult to sustain an action for defamation as there are no specific allegations against any particular officer which are defamatory. As suggested by the municipal advocate the proper course is to refute the allegations made in the article by means of a statement in the council or outside and to withdraw the privileges (if any) enjoyed by the Newspaper and its correspondents

Jr 19/12

– Law Secy)

25) No specific point on which opinion is required has been stated in para 8. Consequently the proceedings and papers as a whole had to be perused – To save time and trouble the question about which opinion is to be given may be please formulated

26) Another factor to be noticed is that the Weekly belongs to the Union of a Newspaper which has its own legal adviser and which accordingly

NOTE—Contn Sheet

File No of 194

Central and Revenue Secretariat

Serial No

to the rules should generally arrange for conduct of the cases and is not entitled to the advice of Govt Law Officer – Moreover there is nothing of special importance or difficulty in the case

27) It may be left to the discretion of the Municipal authorities to take such action as they deem fit –

RV 19/12/45

47 11/12

28) A reply note, if approved, for 20/12 be sent as above to the Pretoria Legation Mail. Appx para 8 Legation

reply 21/12/45

29) No orders appear called for by Govt. It may also be left to the Municipality

21/12

Date 21 12 45
No 3661

Minister for Ed^n & P H)

21/12/45

28/12/45

30) Draft letter please

21/12/45

31) Submd with a draft letter

Yours 5/1/46

To the Secretary
Govt of Fiji
No 72 of D 21-1-46

4/1

Yours accordingly

TYPING SECTION
7 1 46

B

SUFFERING CITIZENS

The Editor
RATIONALIST MYSORE

Dear sir

May I ventilate through your columns the distress that the citizens are suffering in the Mysore City? The legitimate work of the Municipality is engineering and sanitation Both these are awful The roads—except those through which select guests are taken bristle with stones and ruts God knows where the road repair allotment goes it does not seem to go on the roads Yet there is a heavy engineering establishment The allotment goes into them perhaps!

Sanitation vies with the roads In many parts of the City there is no drainage Every house has behind it a stagnant cess pool befouling the atmosphere all the 24 hours Letters and notices to the Health Officer or President fall on deaf ears or thick skin There is a large outlay on a large establishment doing very little work The Health Officer and Engineer and Municipal President ought to be made to do some walking or cycling everyday and keep a diary of what they find But they evidently think that their office is only to sign bills and exercise patronage And as though the Health officer has not full work in the Municipality he is also Lecturer on Health in the Medical College of course with an allowance Perhaps he thinks of Municipal work in his College hour and prepares for the College in his Municipal hours In the result he cannot give full attention to either and the public have to suffer!

The President is not a superman and when his normal civic duties are such as to engage his time fully he is saddled with so many extraneous things that his ornamental functions come in the way of his official duties

As though this were not bad enough he is the Chief Rationing Authority of the City and Controller of its fuel supply! And the public have to be content with bad or dirty rice at high price and unprecedentedly short measure!

The supply of fuel could not be worse managed Some of the Municipal Councillors themselves have become fuel dealers directly or through their relatives Incapacity and mismanagement of control has made the position of the citizen horrible Waiting at the mercy of the Ration depot keepers for food grains being forced to wait on a tuppenny Association for a piece of untouchable cloth and being asked by saucy fuel depot boys to come in the afternoon if you go in the morning and to come in the morning if you go in the afternoon to get 2 or 4 Maunds at a time as per orders of the Municipal Engineer is a tragic state of affairs

Does the Municipal Engineer and the Municipal President make several trips and get only 4 Mds at a time? I think that even the boys who managed the publishing of the S S L C Question papers managed things very much better If officials with high salaries turn out such poor organisers and incompetent administrators in matters that are life and death to thousands of the public are the public to blame are the Government to blame or are the officials to be dealt with?

We have heard of the Tirupathi Municipal Council and certain other Councils being superseded by the Madras Government The sufferings of the citizens of the city prompt me to ask whether our Government cannot set an example and supersede both the Municipal Council and some of the officers also?

Yours Sincerely
A CITIZEN

Proceedings of the ordinary General Meeting of the Mysore City Municipal Council held on Saturday the 26th May 1945 at 4 30 P M

Present

1 R Ramachamara Rao Bhombore, Esq , B A , President
2 T Venkataramaniah,Esq , Vice President
3 A Arishnamurthy Rao,Esq ,
4 M N Jois,Esq , B A ,
5 A N Suryanarayana Rao,Esq ,
6 T Narasimha Iyengar,Esq , B A , B L ,
7 B Narayanaswamy,Esq , B A , B L ,
8 Agaram Rangiah,Esq ,
9 Srimathi Kaveri Bai
10 K S Satyanarayana Rao,Esq ,
11 T Mariappa,Esq , B A , LL B ,
12 G R Rangaswamiah,Esq ,
13 M V Venkataramaiah,Esq ,
14 M S Nanjappa,Esq ,
15 H Thammiah,Esq ,
16 G Janardhan Naidu,Esq ,
17 M R C Basappa,Esq ,
18 E P Nanjappa,Esq ,
19 V N Dasappa,Esq ,
20 Patnam Sreenivasa Setty,Esq ,
21 P C Devaraj Urs,Esq ,
22 K Siddiah,Esq ,
23 Gulam Ahamed Khan,Esq ,

Absent

24 P Sitaramaih,Esq , B A , B L ,
25 T S Chandrasekharagowda,Esq ,
26 U.L Ramachandra Rao,Esq
27 Chowdiah,Esq ,
28 Dr A V Ranga Rao,
29 Mrs J H Theobald,
30 T S Alikhan,Esq ,
31 Mohammed Sait, Esq ,

912 Resolution tabled by Mr E P Nanjappa, Municipal Councillor -

"Resolved that this council takes strong exception to the tone and the insinuations contained in a letter "Suffering Citizens" printed in the Rationalist Weekly dated 16th April 1945, alleged to have been addressed by a citizen to the Editor, and the President is requested to take proper action in the matter immediately "

Moved by Mr E P Nanjappa
Seconded by Mr T Mariappa

Carried

Sd R Ramachandra Rao Bhombore
President

"Copy"

PRESIDENT

BS

Letter No M 204/45-46 dated 18th September 1945 from the Municipal Advocate, Mysore, to the President, City Municipal Council, Mysore

---

With reference to your D O No M5 Dc 912 of 44 dated 6th June 1945 requiring the furnishing of the legal opinion thereon for taking suitable action against "Rationalist" I have the honour to state that the Editor of any paper has a right to comment on any of the affairs or proceedings of the Municipal Council, but the ~~xxxiix~~ criticisms offered should not exceed the limit of decency, and the criticisms so offered should be prompted with the best of intentions of safeguarding the rights of the citizens If this margin is exceeded in cases of individual references, the aggrieved person can proceed against the Editor for slander but when it is directed against an Institution, the means by which any action could be taken is to refute it by means of an explanatory statement and to deprive the ~~xx~~ paper of the several privileges given to it or to stop its contribution It is only in extreme cases where the article is written with the malafides of bringing the Institution into contempt and disregard that an action may be taken either under the Indian Penal Code or under the Press Act In such cases the burden of proving the Malafides will be on the Municipality

--

"Copy"

PRESIDENT

18/9/45

BS

PW 117-45-9

GEN & REV SECRET 2842 22 OCT 1945 L S G BRANCH

Office of the President,
City Municipal Council Mysore

No M5 Mc 912/44-45 Date 18th Oct 19 45
Encl 3

From

R Ramachandra Rao Bhombore, Esq B A,
President City Municipal Council,
MYSORE

ADDITIONAL SECRETARY to GOVT No 24/ Date

To

T B Mallaradhya, Esq , M A ,
Additional Secretary to Government,
Bangalore

Sir,

I have the honour to state that the editor of the Weekly Publication under the head "Rationalist" published an article in his Weekly issue of the 16th April 1945, making comments upon the "Suffering Citizens" On the resolution tabled by the municipal councillor Mr E P Nanjappa in this connection, the municipal Council resolved in their resolution No 912 dated 26-5-45 that strong exception be taken to the tone and insinuations contained in the article and that proper action be taken against the editor in this behalf by the President The Municipal Advocate who was consulted in this behalf has furnished his opinion contained in letter No M 204/45-46 dated 18-9-45, a copy of which is enclosed, suggesting that action may be taken either under the I P C or the Press Act provided the municipality would undertake the burden of proof, as regards the malafides of the Article in bringing the institution into contempt and disregard

A copy of the Article together with a copy of the council resolution in this connection is enclosed for kind perusal

p t o

I request to be enlightened as to whether in the circumstances of the case, action could be taken against the editor, as suggested by the municipal Advocate

I have the honour to be,
Sir,
Your most obedient servant,

PRESIDENT

B3

718 Tour

SUFFERING CITIZENS

The Editor,
"Rationalist", Mysore

Dear Sir,

May I ventilate through your columns the distress that the citizens are suffering in the Mysore City? The legitimate work of the Municipality is engineering and sanitation Both these are awful The roads--- except those through which select guests are taken, bristle with stones and ruts God knows where the road repair allotment goes, it does not seem to go into the roads Ye there is a heavy engineering establishment The allotment goes into them perhaps'

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Yours sincerely,
A Citizen

--

"Copy"

PRESIDENT

BS

5/10/45

718/2020

Action against Rationalist' Byrne

This is a letter to the Editor published in the 'Rationalist' of 16.6.65 criticising administration of the Thyone City Municipality

A The allegations are that the Municipality is not doing its legitimate functions properly and a case for suspension as in Bye Laws is made out personal remarks against certain municipal officers are also made therein

B The Municipal Advocate has opined that the Council can take action under the IPC & Press Act

The article strongly criticises the day-to-day administration of the Thyone City Municipality On perusal of the article as a whole it will be seen that it may not be possible to construe it as

misdirected art written "the

meaning of sub 3 & (c) of "the

D I R as normally understood 1963 Vol 514

of Govt as formed within certain

limits

Again it is doubtful whether

any action could be taken under

s 3 of the Ny. Pun. Newspapers Act

The article does not appear to

come within any of the provisions

of s 4 Comments expressing disappro-

bation of the measures of Govt

whether a view to obtain by

their alteration by lawful

means or comment

expressing disapprobation of

the administration such as Govt

without exciting or attempting

to excite hatred or contempt or

disaffection may not be

deemed to be of the nature

objected to in cl (c) of s 5(4) of the

Pun Act

s 4

Pun Act

Action could known be taken
by the municipality ~~and~~ for defama-
under the IPC (sub-s 499 500 501.

Defamation is the publication
of an imputation against the
reputation of a person individual
or corporate. The publisher of a
newspaper is responsible for defamatory
matter published in such paper
whether he knows the contents of
such paper or not

Explanation 2 to S 499 IPC
includes 'a company, or an association
or collection of persons as such
within the meaning of word 'person'
an defined Action for libel will
lie at the suit of a corporation the
words in respect of a libel calculated
to injure its reputation in the
way of its business The words
complained of must be attack

fraud or mismanagement or its financial
position Such

Such a case in which the
explanation is justly called into
question the conduct of the corporate body
must be maintained throughout
with reference to the imputation
and to have been made convey
them with the intention of
harming them thereby

Each individual person
personally affected by the attack
may also recover separately
against the printer and publisher
(1) In order to justify the
bringing against the Plaintiff
in court was wholly
and absolutely to be found
Our facts stated, known,
Still
to the Court to be a good
case for presentation on the Plaintiff
will have to get on the grounds
exception of 'public good' - exception

[illegible]

[illegible] a Letter to the

Editor Rationalist'

excerpt no 1 b S 499 10-C

NRA

1812 65

MU17-45=18

7299

24-1-46

To

The President, City Municipal Council, Mysore

Sir,

With reference to Your letter No M-5, M-C 912/44-45, dated 18-10-45, requesting to be enlightened as to whether action could be taken by the City Municipal Council against the Editor, "Rationalist", Mysore, for publishing ~~an article~~ in the weekly issue of 16th April, 1945, a letter from "Suffering Citizens", I am directed to state that this is a matter relating to the municipal administration and such action as is deemed fit may be

taken in the matter by the Mail

Yours truly
for
Dr Reve Lacy